

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 4:06 CR 177
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
MARVIN BRADLEY,)	<u>MEMORANDUM OPINION</u>
)	<u>AND ORDER</u>
Defendant.)	

This matter comes before the Court upon Defendant, Marvin Bradley's *Motion Under Title 18 U.S.C. 3582(c)(2) and U.S. Sentencing Guideline 1B1.10(c) For Reduction of Sentence Based on 2011 Guideline Amendment which becomes Effective on November 1, 2001, And, Conforms to the 18:1 Ratio in Base Offense Level for Cocaine Base.* (ECF #540). The government filed a response in opposition to Mr. Bradley's motion. (ECF #542). For the reasons set forth below, the Defendant's Motion is hereby, DENIED.

Mr. Bradley seeks a reduction to his sentence based on changes to the Controlled Substances Act and the Controlled Substances Import and Export Act, imposed by the Fair Sentencing Act of 2010, which was enacted on August 3, 2010, after Mr. Bradley's sentencing. On June 30, 2011, the Sentencing Commission determined that the Act should be applied retroactively. Retroactive application, however, will not begin until November 1, 2011, and will only take effect if Congress does not modify or override the amendment prior to that date.

The Court has already appointed the Federal Public Defender's Office to assist Mr. Bradley in evaluating his eligibility for a reduction, and, if appropriate, filing a motion for

reduction under the Fair Sentencing Act once it becomes officially retroactive. (ECF #543). However, at this time, his Motion must be DENIED as premature. (ECF #540). IT IS SO ORDERED.

/s/ Donald C. Nugent
DONALD C. NUGENT
United States District Judge

DATED: October 11, 2011